

M/043/0019

7297

Leslie Heppler <lheppler@utah.gov>



Browns Canyon Comments - Revision or Amendment

DON LEE MERRICK <DONMERRICK@msn.com>

Thu, Mar 31, 2016 at 8:23 AM

To: Leslie Heppler <lheppler@utah.gov>

Cc: Sully <sully@utahfoodservices.com>, Chip Pederson <bernhardtp@earthlink.net>, Paul Baker <paulbaker@utah.gov>

Hi Leslie,

As per our phone call yesterday I will attempt to simplify my rambling comments over the last several days into a coherent document that will be easier for you folks to respond to.

My understanding of the Mountain Valley Stones Notice of Intention to Revise or Amend Large Mining Operations at their Browns Canyon open pit mine is that they are consolidating two permit areas and proposing a life of mine expansion to a total to 171 acres of disturbance with the first phase being a ten acre expansion. Thus far it has been handled as an amendment because there will be no significant impact. I disagree with that determination.

Mtn Valley indicated on page 14 Section 106.3 they plan to expand their mine disturbance from 53 Acres to 171 acres during the life of the mine. I don't see how the 10 acres included in a Notice of Intention to Commence Large Mining Operations expanding to 171 acres can be handled as insignificant impact. They plan to begin expansion with a 10 acre pit. Considering the 10 acres insignificant would allow them to amend their mine plan every so often until they reach the 171 acres of disturbance they plan over the life of mine. The planned 171 acre mine expansion will more triple the footprint of the disturbed area which has to be considered significant. As such should be processed as a Revision and considered for approval by the Division in the same manner as an original notice of intention including Public notice and the opportunity for appeals as per **R647-4-116. Public Notice and Appeals.**

Should the Planned Expansion be considered significant? Yes it should be considered a revision because:

- 1. The disturbed area will triple with this revision.**
- 2. It is also anticipated that the surety amount will increase by more than 25% of the existing surety amount. For the 10 acre expansion you already assessed an additional \$100,000 which was already more than 25%.**
- 3. With triple the disturbance, and the potential to impact wetlands, additional**

and cumulative environmental impacts should be considered to be significant. Given the property area outlined their permit application their expansion plan will necessitate expansion of their open pit operation across a low wetland area that lies right in the center of the west side of their property position. Since they encountered ground water in their current operation at shallow levels it is very likely they will hit ground water again providing opportunity to contaminate both ground water and surface waters in the new expansion.

Further more, a mining operation of this magnitude and duration will have a long lasting impact on the health, safety and welfare of **all the land owners in Browns Canyon**. I was not notified until February 5, 2016. I know some of the adjacent land owners have still not been notified. I certainly look forward an opportunity to review, comment on the NOI with the understanding I reserve the right to file protest against the NOI. **To date, the community has not been informed of the magnitude and planned duration of the combined operations along Lost Creek** and as far as I can see the cumulative impacts to the environment have not been addressed in the existing permits. Current plans will result in over 250 acres of open pit within a 1.25 mile corridor along lost creek that will never be return to its natural state. The community should have an opportunity to weigh in.

From: Paul Baker <paulbaker@utah.gov>
Sent: Wednesday, March 30, 2016 2:34 PM
To: Leslie Heppler
Cc: DON LEE MERRICK; Sully; Chip Pederson
Subject: Re: Contacts

I need to clarify some items. The approval we issued last June was for an amendment. I was under the assumption that the most recent submittal was to finalize the reclamation cost estimate and clarify some issues related to the reclamation plan for the existing disturbance. My assumption may be incorrect (the wording is such that I can't tell for sure), but there are more changes than I thought. We will have to look at what changes are being proposed and decide if it's a revision or amendment.

On Wed, Mar 30, 2016 at 1:42 PM, Paul Baker <paulbaker@utah.gov> wrote:

The most recent changes to the Large Mine Notice were considered an amendment. I can't determine whether a future submittal will be classified as an amendment or a revision until we have a proposal. It's a subjective judgment, but factors we consider include the amount of change in the disturbed area compared to what currently exists, the amount of change in the reclamation surety, the potential for environmental damage, and our perception of the public's interest.

We always consider comments about a proposal, whether it's considered an amendment or a revision, and anyone can file a Request for Agency Action if they are aggrieved by our decision. The difference is in the notification: for revisions we run a newspaper advertisement, notify mineral and surface owners in the area to be disturbed, and notify the county planning department.

On Wed, Mar 30, 2016 at 1:26 PM, Leslie Heppler <lheppler@utah.gov> wrote:
Don - Paul is the one who make the determination on Revision versus Amendment.

On Wed, Mar 30, 2016 at 1:13 PM, DON LEE MERRICK <DONMERRICK@msn.com> wrote:

Can I expect that this Revised NOI will go out for public comment? The Browns Canyon land owners have not been given adequate Notice in the past and it is important we be given an opportunity to comment now. This Revision has been in the works for over a year and I wasn't notified until February 2, 2016.

From: Leslie Heppler <lheppler@utah.gov>

Sent: Tuesday, March 29, 2016 12:25 PM

To: DON LEE MERRICK

Subject: Re: Contacts

Federal Land requires an EIS. The Utah Division of Oil Gas and Mining follows R647.

Very good point on section 21 and 19.

M/043/0021 is not expanding - you need to read his NOI. As per R647-4-113.6.12 he is undergoing a periodic plan review.

On Tue, Mar 29, 2016 at 11:49 AM, DON LEE MERRICK <DONMERRICK@msn.com> wrote:

Thanks Leslie,

I was also looking at M430021 files. Looks like they are expanding as well. Do you have any documentation indicating that any of these mines have acquired the mineral rights in section 21 and 19 from the railroad? If not, that could be really important.

Also do you know what the threshold limits are that trigger a full blown EIS? Hard for me to believe that threshold will not be exceeded.

From: Leslie Heppler <lheppler@utah.gov>

Sent: Tuesday, March 29, 2016 11:33 AM

To: DON LEE MERRICK

Subject: Re: Contacts

Don -

Here is DEQ web site (I suggest you work with Water Quality link shown on the page) - <http://www.deq.utah.gov/Admin/siteindex/sitemap.htm#dws>

Here is the Corps of Engineer - <http://www.spd.usace.army.mil/> for the South Pacific region. I usually have do better to call the Bountiful Office at **Address:** 533 W 2600 S #150, Bountiful, UT 84010 **Phone:** (801) 295-8380 Last time I called the person for the Browns Canyon area had retired and the position had not been filled. (Their work load is by drainage and function)

On Tue, Mar 29, 2016 at 10:56 AM, DON LEE MERRICK
<DONMERRICK@msn.com> wrote:

Hi Leslie,

Could you please send me contact info for the DEQ people familiar with Browns Canyon operation and the the same for the Corps of Engineers. Thanks.

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Utah Division of Oil, Gas & Mining

Office hours - Mon thru Fri 8-5

(801) 538-5340

Leslie Heppler

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Thank you for reading this electronic correspondence.

Please consider the environment before printing.

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